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EXAMINER

BRINSON, PATRICK F

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 02/24/2004

#10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,103

Applicant(s)

AMIDZICH, BRADFORD G.

Examiner

Patrick F. Brinson

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-24 and 26-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The amendment filed 8 December 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“...without mixing the single liquid with any other substances...”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 19-24 and 26-29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by **Belser et al.**

The patent to **Belser et al.** discloses a pressurized liquid dispensing system comprising a pressurized source (22) configured to deliver polymeric material to

conduit (14), a liquid dispenser (20) that is remote from the liquid source and configured to dispense liquid delivered thereto to a second, relatively low pressure a liquid line connecting source to dispenser and a pressure reducer device (10) within the liquid line comprising a housing (14) having a first opening and a second opening, and at least one passage formed between first and second openings. The restrictor being located in the passage thereby reducing the pressure of liquid flowing through the passage to the second pressure, as recited in claim 1. The device comprises a plurality of flow divider segments located in series within the passage. The segment portion is configured to sequentially divide liquid flowing thereby into multiple liquid multiple liquid streams and to recombine multiple liquid streams. Each flow divider segment comprises a generally helically curved blade having a leading edge and trailing edge and opposed curved surfaces, each configured to border one of the liquid streams.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bennett et al.**

The patent to **Bennett et al.** discloses a beverage dispensing apparatus including a pressure reducer (10) is inserted into tubing section (5) to adjacent sections of a liquid line in the flow path. **Bennett et al.** does not specifically state method steps of determining pressure drop required in the liquid flow path or the step of determining the properties of the pressure reducer required to obtain the pressure drop. **Bennett et al.**, however, does state that the invention relates to pressure reduction especially for use in a beverage dispensing device such used for beer or like carbonated liquids. It states that when beer is dispensed it must be done gently so as to avoid excessive turbulence, upon the degree of which depends the resultant "head". It further states that it is highly desirable to maintain turbulence at a minimum value. **Bennett et al.** therefore inherently teaches the step of determining pressure drop in order to maintain turbulence at a minimum value. **Bennett et al.** states that the reducer they will employ will provide an efficiency in pressure reduction such that turbulence is substantially eliminated and that the object of the invention is provide a pressure reduction device which is simple in construction and assembly, thereby determining the properties of the pressure reducer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the pressure drop required in the liquid flow path and to

determine the properties of a pressure reducer to obtain the pressure drop, as inherently taught by **Bennett et al**, wherein one of ordinary skill in the art would have to determine how much pressure was too much or too little, in this case to determine correct turbulence, and therefore design an pressure reducer that would perform needed.

Allowable Subject Matter

4. Claims 12, 13, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

5. Applicant argues that the present invention is novel over the **Belser et al** reference because **Belser et al.** discloses a mixing device. It should be pointed out that Applicant states in his arguments, page 11, lines 11-14 that the present invention is a system that “reduces pressure by imparting directional changes to the liquid, preferably by splitting the liquid into divergent streams and then recombining the divergent streams. A device suitable for this purpose is of the type commonly used to mix two different substances together.” Essentially, Applicant admits that if the static mixing device of **Belser et al.** is placed within a dispensing line and a single


fluid under pressure is dispensed through the mixer, the pressure would be reduced. Additionally, Applicant states, page 13, lines 8 and 9 that any pressure drop produced in the **Belser et al.** device is an undesired byproduct of mixing. It should be noted that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. If placed within the flow line of a carbonated beverage dispenser, the mixer of **Belser et al.** would reduce the pressure of the fluid as the pressure reducer of the present invention wherein they both equally function to impart repeated directional changes to the flowing liquid. The patent to **Bennett et al.**, as stated above, discloses a beverage dispensing apparatus, and discloses the stated problem and provides the solution, thereby inherently determining the pressure drop required, determining the properties of the pressure reducer that would solve the problem and inserting the reducer in the fluid flow path to obtain the desired liquid pressure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrick F. Brinson
Primary Examiner
Art Unit 3752

P. F. Brinson
February 23, 2004